

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

**GERARDO ARANDA, GRANT BIRCHEMEIER,
STEPHEN PARKES, and REGINA STONE,
individually and on behalf
of all others similarly situated,**

Plaintiffs,

v.

**CARIBBEAN CRUISE LINE, INC., ECONOMIC
STRATEGY GROUP, ECONOMIC STRATEGY
GROUP, INC., ECONOMIC STRATEGY, LLC,
THE BERKLEY GROUP, INC. and VACATION
OWNERSHIP MARKETING TOURS, INC.,**

Defendants

NO. 1:12-CV-04069

Honorable Matthew F. Kennelly

**DECLARATION OF CHRISTOPHER A. BANDAS IN SUPPORT OF OBJECTOR
FREEDOM HOME CARE, INC.'S CORRECTED AND SUPPLEMENTAL MOTION
FOR ATTORNEYS' FEES**

Pursuant to 28 U.S.C. § 1746, I hereby declare and state as follows:

1. I am the sole shareholder of Bandas Law Firm, P.C., which maintains its principal of business in Corpus Christi, Texas. I am an attorney licensed to practice law in Texas since 1993. I am a member in good standing of the State Bar of Texas.

2. I am admitted *pro hac vice* to practice in the United States District Court for the Northern District of Illinois. I am competent to make this Declaration and the facts stated herein are based upon my personal knowledge.

3. I am an experienced litigator based in Corpus Christi, Texas. I attended Trinity University where I graduated in 1990 with a B.A. I attend University of Houston Law Center, where I graduated in 1993 with a J.D. While at University of Houston Law Center I was an associate editor of the Houston Law Review.

4. My associate, Robert Clore, is an experienced appellate attorney, and graduated *magna cum laude* from St. Mary's University, School of Law. He served as Articles Editor with the St. Mary's Law Journal and clerked for Justice Nelda Rodriguez of the Thirteenth Court of Appeals for the State of Texas.

5. I, along my associate Robert Clore, who is admitted to practice before the Northern District of Illinois, and local counsel, Jonathan P. Novoselsky, also admitted to practice before the Northern District of Illinois, represent the objecting class member Freedom Home Care, Inc. (hereinafter "Freedom Home Care").

6. On January 23, 2017, an objection was filed on behalf of Freedom Home Care, asserting that class counsels' proposed 33% fixed percentage fee request was unauthorized by law and would unfairly take far too much from the class.

7. Mr. Clore and I have worked together with Mr. Novoselsky in diligently and efficiently preparing the various papers supporting Freedom Home Care's objection (including the objection itself, supporting exhibits, the response to Defendants' motion to reconsider and/or alter the February 27, 2017 order, and the motion to appear at the fairness hearing), as well as in preparing for and participating in several hearings in support thereof. Our time on this matter also included several trips to and from Chicago, Illinois from Corpus Christi, Texas.

8. Mr. Clore and I have logged 147.8 hours in uncompensated time in furtherance of Freedom Home Care's objection for a total lodestar of \$54,410. That time excludes all work

associated with (1) Freedom Home Care's motion for attorneys' fees (2) the contested *pro hac vice* motion of Christopher Bandas, and (3) Freedom Home Care's motion for leave to file a sur-reply and attached sur-reply, which motion was denied by this Court.

9. The chart below also reflects the level of experience, billable rates, and the hours for Mr. Clore and I in this case. In my opinion, our expenditure of time on this case was reasonable and necessary.

10. The rates charged by myself, \$450 per hour, and my associate, \$325 per hour, for this matter are usual and customary in the communities where we practice. These rates are below the rates in the plaintiffs' declarations supporting their fee motion.

Attorney	Years of Exp.	Hours	Hourly Rate	Total
Christopher A. Bandas (Sole Shareholder)	23	51	450	\$22,950
Robert W. Clore. (Associate)	17	96.8	\$325	\$31,460

11. Because apart from Mr. Novoselsky, only my associate and I performed work in this case, I was able to avoid any duplicative efforts, and the relatively small number of hours reflect this efficiency. Whenever possible, I had my associate, Mr. Clore, do work, which has helped reduce the lodestar.

12. Mr. Novoselsky was paid a flat fee of \$5,000 for his assistance in this case. Upon information and belief, it is estimated that Mr. Novoselsky worked at least 20 hours on pleadings, participating in conferences, participating in hearings, and performing other work. That would result in an hourly rate of \$250, which is well within the usual and customary rate in Chicago. These hours expended by Mr. Novoselsky were reasonable and necessary.

13. The Bandas Law Firm has fronted \$7,163.89 in unreimbursed litigation costs, for which it is not seeking separate reimbursement.

14. I believe that class member/objector Freedom Home Care, Inc. is entitled to an incentive award in connection with its role as the sole objector to class counsels' 33% fixed percentage fee request. Freedom Home Care is the only class member willing to take a stand to class counsels' grossly excessive and unauthorized fee request, and faced a high risk of harassment by class counsel.

Dated this the 3rd day of May, 2017.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

A handwritten signature in black ink, appearing to read 'C. Bandas', is written above a horizontal line.

Christopher A. Bandas